
**Financial Institutions &
Insurance Committee**

ESSB 5452

Brief Description: Limiting genetic testing as a condition of life insurance.

Sponsors: Senate Committee on Financial Institutions, Housing & Consumer Protection
(originally sponsored by Senators Franklin, Fairley, Stevens, Roach, Benson, Regala, Kline,
Rockefeller, Rasmussen and Kohl-Welles).

Brief Summary of Engrossed Substitute Bill

- Prohibits an insurer from requiring a person to undergo a genetic test or provide previous genetic test results as a condition of offering or renewing life insurance.

Hearing Date: 3/22/05

Staff: Kara Durbin (786-7133).

Background:

Deoxyribonucleic acid (DNA) is the material inside the nucleus of cells that carries genetic information. Genetic disorders are caused by abnormalities (known as mutations) in a person's DNA. These abnormalities are formed by the erroneous addition, deletion, or substitution of chemicals that make up DNA. Gene mutations can occur spontaneously or can be inherited. Mutations also can be caused by environmental factors, such as exposure to chemicals or radiation.

Genetic testing uses a variety of laboratory techniques to determine if a person has a genetic condition or disease or is likely to get the disease. A predictive gene test, for example, can be used to determine if a person has gene mutations that increase that person's chances of developing a disease.

Life insurance rates are term-based and policies may be periodically reclassified. Life insurance companies can use health care information, including genetic information, to deny coverage or to set initial premiums. There are no laws preventing the use of preexisting conditions in life insurance underwriting. However, once an insurance policy has been in force for two years, the insurer cannot contest the policy, except for nonpayment of premiums.

Summary of Bill:

Insurers may not require a person to undergo a genetic test or provide previous genetic test results as a condition of offering or renewing insurance. Insurers may use genetic information only if it demonstrates the active presence of an illness or disease.

Genetic information is defined as written or recorded information about genes, gene products, or genetic characteristics derived from an individual or a family member of an individual. Chemical, blood, and urine analyses are excluded from the definition, unless they are conducted to diagnose a genetic characteristic. Family histories, as well as drug abuse testing, cholesterol, and HIV tests, are also excluded from the definition of genetic information.

A genetic test is defined as a test of human DNA, RNA, mitochondrial DNA, chromosomes, or other material for the purpose of identifying genes, inherited or acquired genetic abnormalities, or the presence or absence of inherited or acquired characteristics in the genetic material. Cholesterol and HIV tests are excluded from the definition of genetic test.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.